

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LAWRENCE COHEN : ORDER OF REVOCATION
_____: DOCKET NO: 522-05/99-211

At its meeting of May 13, 1999, the State Board of Examiners reviewed information received from the United States District Court, District of New Jersey and the New Jersey Superior Court, Monmouth County regarding Lawrence Cohen. On December 18, 1998 Cohen pled guilty in federal court to two counts of transportation of child pornography. He was sentenced to 120 months' imprisonment, supervised release for a term of three years after release from prison and fined \$2000. On April 16, 1999, Cohen pled guilty in New Jersey Superior Court to one count of 2nd degree attempted aggravated assault. He was sentenced to a seven-year term in the Department of Corrections, to run concurrent to his federal term. In addition, Cohen had to comply with all Megan's Law requirements, N.J.S.A. 2C:7-1, *et seq.*, was subject to all DNA testing and was sentenced to community supervision for life. Upon review of the above information, at that May 1999 meeting the State Board of Examiners voted to issue an Order to Show Cause upon Cohen. Cohen currently holds a Teacher of Elementary School certificate.

The Order to Show Cause was mailed to Cohen by regular and certified mail on July 9, 1999. The Order provided that an Answer to the Order must be filed within 20 days. Although the certified mail card was signed and returned, Cohen did not file a response to the Order to Show Cause.

On October 6, 1999, the Board of Examiners allowed Cohen an additional 10 days to file a response to the Order. He was advised that if he did not respond, the allegations in the Order would be deemed to be admitted and the State Board would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Cohen never responded to this second notice although he did sign and return the certified mail card.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Cohen's offenses and convictions constitute conduct unbecoming a certificate holder. Since Cohen failed to respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Cohen's offenses are admitted, the Board of Examiners must now decide

whether they constitute a sufficient basis to act against Cohen's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Teachers of the State of New Jersey "are professional employees to whom the people have entrusted the care and custody of ... school children." Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no argument that Cohen has, by his heinous conduct, violated that most sacred trust. Two courts deemed it imperative that Cohen no longer be given access to children as a teacher. In fact, those courts also agreed that Cohen should be removed from society as a whole for an extended period.

Moreover it is irrelevant that Cohen's behavior did not arise as a result of his teaching responsibilities. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. In re Grossman, 127 N.J. Super. 13, 30 (App. Div. 1974), certif. denied, 65 N.J. 292 (1974). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944).

The New Jersey State Board of Examiners has a responsibility to protect New Jersey's school children from predators like Cohen. The only way to fulfill that obligation is to ensure that, as a teacher, he will never set foot in a New Jersey classroom again.

Accordingly, it is therefore ORDERED that Lawrence Cohen's Teacher of Elementary School certificate be revoked on this 6th day of April, 2000. It is further ORDERED that Cohen return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: September 26, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:kb:Cohen, Lawrence